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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* ADAM SMITH, XIANPING GE, ELIZABETH HAMON, and  
ABHISHEK PARMAR

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Appeal 2009-008534  
Application 10/664,929  
Technology Center 2100

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Before LANCE LEONARD BARRY, JEAN R. HOMERE, and  
ST. JOHN COURTENAY III, *Administrative Patent Judges*.

COURTENAY, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

This is an appeal under 35 U.S.C. § 134(a) from the Examiner's final rejection of claims 1-8 and 12-33, which are all the claims pending in the application. Claims 9-11 were cancelled during prosecution. We have jurisdiction under 35 U.S.C. § 6(b).

We Reverse.

*Invention*

Appellants' invention relates generally to information retrieval systems. More particularly, the invention on appeal is directed to clustering search results by address and/or telephone number. (Spec. 1, para. [0001]).

*Representative Claim*

1. A method, comprising:
  - receiving a search query that includes one or more keywords;
  - obtaining one or more geographical identifiers; identifying an area of interest based, at least in part, on the one or more geographical identifiers, where a size of the area of interest is dynamically set based, at least in part, on the one or more keywords;
  - identifying documents that are associated with addresses located within the area of interest;
  - determining ones of the identified documents that match the one or more keywords as relevant documents;
  - grouping the relevant documents into clusters based, at least in part, on the addresses associated with the relevant documents, each of a plurality of the clusters corresponding to one of the addresses; and
  - presenting the clusters.

*Rejections*

1. Claims 1-8, 12-14, 16-19, and 25-33 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Shultz (US 2003/0061211 A1), and Michalewicz (US 2002/0042789 A1).

2. Claims 15 and 20-24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Shultz, Michalewicz, and Rubenczyk (US 2003/0217052 A1).

*First-stated rejection under § 103 over Shultz and Michalewicz*

Claims 1-8, 12-14, 16-19, 22, and 25-33

#### ISSUE

Based upon our review of the administrative record, we have determined that the following issue is dispositive in this appeal regarding the first-stated rejection over Shultz and Michalewicz:

Under §103, did the Examiner err in finding that the combination of Shultz and Michalewicz would have taught or suggested grouping the relevant documents into clusters based, at least in part, on the addresses located within the area of interest, where the area of interest has a geographical aspect, within the meaning of independent claims 1 and 27-30?

#### FINDINGS OF FACT

1. Michalewicz discloses:

[0033] A document source is then searched for documents which match the query pattern. The retrieved documents are divided into subsets of similar documents, where each subset of the subsets of similar documents is described in terms of a subset pattern. *An ordered list of clusters is provided based on the subset pattern of each subset of similar documents.* The ordered list of clusters includes separate clusters which contain similar documents retrieved in response to the query. (emphasis added).

## ANALYSIS

Appellants contend that “Shultz et al. and Michalewicz et al. do not disclose or suggest grouping the relevant documents into clusters based, at least in part, on the *addresses* associated with the relevant documents, each of a plurality of the clusters corresponding to one of the *addresses*, as also recited in claim 1.” (App. Br. 11)(emphasis added).

We agree for the reasons discussed *infra*. The Examiner contends that this limitation is taught or suggested in paragraph [0033] of Michalewicz:

“The preceding text [paragraph 0033 of Michalewicz] clearly indicates that grouping the relevant documents into clusters are the retrieved documents are divided into subsets of similar documents and at least in part on the address located within the area of interest is a type of subset pattern. Furthermore, the *addresses* associated with the relevant documents is exemplified by the prior art as a *similarity criterion* that flows through the clustering of the documents. An ordinary person skilled in the art understands that in order to cluster documents, there must exist a *similarity criterion* to group such relevant documents.”  
(Ans. 23)(emphasis added).

Thus, the Examiner finds that the clustering of documents “based on the subset pattern of each subset of similar documents,” as taught by Michalewicz (FF 1), suggests grouping the relevant documents into clusters based, at least in part, on the addresses (similarity criterion) associated with the relevant documents. However, we disagree for essentially the same reasons argued by Appellants in the Brief.

In particular, we conclude that the disputed claim language requires more than a mere clustering or grouping of documents according to a *similarity criterion* (as proffered by the Examiner, Ans. 23). Independent claims 1 and 27-30 require that the grouping of relevant documents into clusters is *based on addresses* that are located within the area of interest, where the area of interest has a geographical aspect. We do not find, nor has the Examiner established, that the grouping of identified documents based on addresses that are located within the geographical area of interest is taught or fairly suggested by the combination of cited references.

On this record, we agree with Appellants that Michalewicz merely discloses dividing the documents into subsets, based on a subset pattern. (FF 1). Independent claims 27-30 recite similar limitations where the associated addresses are addresses located within the geographical area of interest.

Therefore, we agree with Appellants that the Examiner erred in rejecting independent claims 1 and 27-30. Accordingly, we reverse the Examiner's rejection of claims 1 and 27-30, and associated dependent claims 2-8, 12-14, 16-19, 25, 26, and 31 which stand therewith.

#### Independent Claims 32 and 33

Independent claim 32 recites:

grouping the relevant documents into clusters based, at least in part, on the telephone numbers included in the relevant documents, each of a plurality of the clusters, corresponding to one of the telephone numbers.

(Claim 32; *see also* the similar limitations recited in claim 33)

The Examiner relies upon the same findings and rationale discussed above regarding independent claim 1. (Ans. 5). Therefore, we do not find that the cited references would have taught or suggested the above-identified features of claims 32 and 33 for the same reasons discussed above regarding claim 1. More particularly, we find that the cited references fail to teach or fairly suggest grouping the relevant documents into clusters *based at least in part on telephone numbers*, as recited in claims 32 and 33.

For these reasons, we find the Examiner erred in rejecting independent claims 32 and 33. Accordingly, we reverse the Examiner's §103 rejection of claims 32 and 33.

*Second-stated rejection under § 103  
over Shultz, Michalewicz, and Rubenczyk*

Claims 15 and 20-24

Claims 15 and 20-24 depend from independent claim 1, which is discussed *supra*. We do not find, nor has the Examiner established that Rubenczyk cures the deficiencies of Shultz and Michalewicz. Therefore, we reverse the rejection of claims 15 and 20-24 for the same reasons discussed above regarding independent claim 1.

Appeal 2009-008534  
Application 10/664,929

DECISION

We reverse the § 103 rejections of claims 1-8 and 12-33.

ORDER

REVERSED

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